

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARKEZ PRIEST,	)	
	)	Civil Action No. 18 – 138
Petitioner,	)	
	)	
v.	)	District Judge Arthur J. Schwab
	)	Magistrate Judge Lisa Pupo Lenihan
THOMAS MCGINLEY, THE	)	
ATTORNEY GENERAL OF THE	)	
STATE OF PENNSYLVANIA and	)	
DISTRICT ATTORNEY OF	)	
BEAVER COUNTY,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

Pending before the Court is a Petition for Writ of Habeas Corpus filed by Petitioner Markez Priest (“Petitioner”) pursuant to 28 U.S.C. § 2254, wherein he challenges his judgment of sentence for first degree murder and possessing a firearm without a license. (ECF No. 1.) In accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court, all pretrial matters were referred to United States Magistrate Judge Lisa Pupo Lenihan.

Respondents filed a Response to the Petition on March 1, 2018. (ECF No. 3.) On July 10, 2018, the Magistrate Judge issued a Report and Recommendation (“R&R”) recommending that the Petition be denied and that no certificate of appealability issue. (ECF No. 5.) The R&R was served on the parties and Petitioner filed written objections that were docketed on July 30, 2018. (ECF No. 7.)

In resolving a party's objections, the Court conducts a *de novo* review of any part of the R&R that has been properly objected to. Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The Court may accept, reject, or modify the recommended disposition, as well as receive further evidence or return the matter to the magistrate judge with instructions. *Id.*

After careful *de novo* review, the following Order is now entered.

**AND NOW**, this 2<sup>nd</sup> day of August, 2018;

**IT IS HEREBY ORDERED** that the R&R of the Magistrate Judge (ECF No. 5) is adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus (ECF No. 1) is denied.

**IT IS FURTHER ORDERED** that a Certificate of Appealability is denied.

**IT IS FURTHER ORDERED** that the Clerk of Court enter judgment in favor of Respondents and mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s. Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: Markez Priest  
JQ-0881  
SCI Coal Township  
1 Kelley Drive  
Coal Township, PA 17866-1021

Counsel for Respondents  
(*Via CM/ECF electronic mail*)